

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No. 20-CR-00335 (TJM)

v.

(Hon. Thomas J. McAvoy)

JACOB DELANEY

STIPULATION AND ORDER
FOR ENLARGEMENT OF TIME

Defendant.

STIPULATION

Scott Iseman, Esq., the attorney for defendant Jacob Delaney in the above-captioned action, having moved for a continuance of an additional sixty (60) days within which the defense may review the recently issued order on the defendant's suppression motions, conduct additional legal research as necessary, and conduct further plea negotiations with the government, and Antoinette T. Bacon, Acting United States Attorney, Richard Belliss, Assistant United States Attorney, Northern District of New York, appearing, having consented to the continuance and the proposed exclusion of a sixty (60) day period under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The prior proceedings in this case occurred as follows:
 - a. Date of indictment: October 29, 2020
 - b. Date of arraignment (waived): November 4, 2020
 - c. Defendant custody status: Defendant is released on conditions
 - i. Date United States moved for detention: December 13, 2019
 - ii. Date of detention hearing: December 13, 2019
 - iii. Date detention decision issued: December 13, 2019

- d. Prior enlargements of time and exclusions under the Speedy Trial Act: from November 19, 2020 through January 16, 2021; from February 10, 2021 through April 9, 2021; and from May 5, 2021 through August 1, 2021.

2. The defendant has requested the continuance based on the following facts and circumstances:

- a. On October 29, 2020, a federal grand jury in the Northern District of New York returned a four count indictment alleging that the defendant received child pornography (count one) and possessed child pornography (counts two through four), in violation of Title 18, United States Code, Sections 2252A(a)(2) & (a)(5)(B), respectively. The defendant has been arraigned and is currently released on conditions pending trial.

- b. The government has previously provided discovery to the defense. Much of the discovery is digital evidence that includes forensic copies of various electronic devices (i.e., computers, etc.). Accessing and reviewing this evidence has proven challenging and efforts continue by the defense to review all materials. Additionally, the defense is currently reviewing the Court's Order of July 19, 2021 and will need additional time to conduct legal research as appropriate. Finally, the parties seek to continue plea negotiations in an effort to try and resolve the pending allegations without a trial of this matter.

3. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The nature of the investigation, its complexity, and the need for the defense team to review the discovery, review the Court's Order of July 19, 2021, conduct legal research, and pursue plea negotiations, make it unreasonable to expect the defense to be prepared to defend the case at trial on August 9, 2021 (the presently scheduled trial date), taking into account the exercise of due

diligence.

4. The parties stipulate and agree that the time period running sixty (60) days from the date of the Court's order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: July 22, 2021

ANTOINETTE T. BACON
Acting United States Attorney

/s/ *Richard Belliss*

Richard Belliss
Assistant U.S. Attorney
Bar Roll No. 515295

July 22, 2021

/s/ *Scott Iseman*

Scott Iseman, Esq.
Attorney for Jacob Delaney
Bar Roll No. 518859

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because the nature of the investigation, its complexity, the need for the defense to review discovery, to review the Court's prior ruling(s), to conduct legal research, and to pursue plea negotiations, make the requested delay necessary, taking into account the exercise of due diligence.

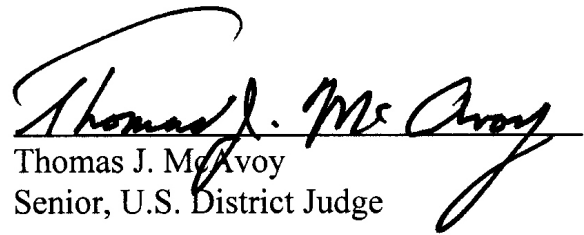
BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS
IT IS HEREBY ORDERED

A. That the sixty (60) day period running from the date of this Order, up to and including October 3, 2021 shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the defense reasonable time necessary for effective preparation.

B. The deadline for the completion of reciprocal discovery by the defendant (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by 60 days to _____ 2021.

C. The trial in this matter shall begin on October 12, 2021 before Senior United States District Judge Thomas J. McAvoy, in Albany, New York or, in the alternative, a change of plea shall be entered on or before September 16, 2021.

Dated: August 3, 2021


Thomas J. McAvoy
Senior, U.S. District Judge